

2. Addison, Illinois
3. American Radio Relay League, Inc. (ARRL)
4. Association of Maximum Service
Telecasters (MST)
Atlantic Research Corporation
- o. Austin, Texas
7. Cable Television Information Center
8. California Department of Forestry
9. Capital Cities Cable, Inc. (Capital Cities)
10. CBS, Inc.
11. Communications General Corporation
12. Connecticut Department of Public Utility
Control
13. County of San Diego (California) Cable
Television Review Comm.
14. Forestry, Conservation Communications
Association, Inc. (FCCA)
15. General Electric Company (GE)
16. Gill Industries
17. Joseph S. Gans, Inc.; Mid-Coast Cable
Television, Inc.; and Service Electric Cable
TV, Inc.
18. Hawaii Dept. of Commerce and Consumer
Affairs (State of Hawaii)
19. Iowa City, Iowa
20. City of Los Angeles, California
21. Monroe City-County (Michigan) Office of
Civil Preparedness
22. Motorola, Inc. (Motorola)
23. Naperville, Illinois
24. National Academy of Sciences (NAS)
25. National Association of Broadcasters
(NAB)
26. National Association of State Cable
Agencies (NASCA)
27. National Cable Television Association,
Inc. (NCTA)
28. National League of Cities
29. National Telephone Cooperative
Association
30. New York Citizens' Committee for
Responsible Media
31. City of New York
32. New York State Commission on Cable
Television
33. Raystay Company
34. Sacramento County, Calif.; California
Metro; Montgomery County, Md.;
Cincinnati, Ohio; Scottsdale, Ariz.; and
East Saint Louis, Ma
35. Scientific Atlanta
36. State of California, Telecommunications
Division
37. State of New York Department of
Environmental Conservation
38. State of New York Department of State
39. Suburban Cablevision
40. Telecable Corporation
41. Tele-Communications Inc.
42. Viacom International Inc.
Victor Gates
44. Village of Addison, Illinois
45. Village of Brookfield, Illinois
46. Village of Lisle, Illinois
47. Village of Mayville, and Town of
Chautauqua (New York) Cable TV
Advisory Committee
48. Village of Woodridge, Illinois
49. Wheaton, Illinois
50. Zenith Electronics Corporation (Zenith)

Reply Comments

1. ARRL
2. Cable Television Information Center
3. Capital Cities
4. Dallas, Texas

5. Department of Defense
6. Joseph S. Gans, Inc.; Mid Coast Cable
Television, Inc.; and Service Electric Cable
TV, Inc.
7. Gaylord Broadcasting Company
8. J. Steven Grantham
9. Group W Cable, Inc.
10. Harpoon Communications Corp., Telecable
Corporation, and Tribune Cable
Communications, Inc.
11. MST
12. NAB
13. NCTA
14. New York Citizens' Committee for
Responsible Media
15. City of New York
16. New York State Sheriffs' Association
17. Riverview, Michigan
18. David Alkire Smith
19. Storer Communications, Inc.
20. Viacom International, Inc.

Concurring Statement of Chairman Mark S. Fowler

Re: Signal Quality Rules for Cable Television

The Commission today correctly decided to continue its 1974 preemption of state and local cable signal quality regulations. The possibility of hundreds or even thousands of different standards being adopted by the more than 18,000 cable franchise authorities creates a clear and present danger both to the provision of economically sound interstate cable communications services and to technical progress and innovation from the equipment manufacturing sector. Particularly in times of great technological change and innovation, technical standards may impede such forces. It is also our responsibility at the federal level to ensure that interstate communications is not substantially burdened by a patchwork of different local regulations. This applies both to cable software and hardware.

As to the local standard setting process, even within federal guidelines, I think the fundamental questions still need to be asked. Where is the compelling government interest? Where is the need for signal quality regulation? Where is the record which shows that the marketplace forces will not accomplish the goal at which signal quality regulation is aimed?

Cable operators, like all providers of video services, depend centrally on signal quality to operate successfully. Cable subscribers have direct access, through their monthly subscription payment, to marketplace mechanisms which control cable operators' decisions on matters such as signal quality. I am unable to understand how anyone could think government standard setters—with their lack of practical experience in cable construction and maintenance, and inability to react rapidly and

flexibly to technological innovations—can or should be setting quality standards, regulating signal quality, or otherwise second-guessing cable subscribers' decisions as to the signal they receive.

Even if such practical expertise existed, there remains unanswered the justification or governmental intervention. That was my view when we eliminated signal quality standards for broadcast signals; we have not observed any deterioration in that instance. That also was my view when we considered mandating cable carriage of stereo sound. The observations in my separate statement in that stereo must-carry case are relevant here as well: this too is "a situation where marketplace forces will accomplish the goals that a prior Commission—with a proregulatory philosophy and less understanding of the value of unregulation in fostering the development of telecommunications—would have tried to accomplish by imposing rules." That view does not change just because there are intervening parties—the cities—who don't agree with the marketplace approach to communications regulation being implemented by this Commission and who wish for some reason to reverse the basic proposition that proof of need should precede government regulation of the people's lives and commerce.

[FR Doc. 85-30196 Filed 12-23-85; 8:45 am]

BILING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-205]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary DOT.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Assistant Secretary for Policy and International Affairs authority to issue aviation consumer protection regulations and waivers from these regulations. This authority has been delegated to the Assistant Secretary for Governmental Affairs. By an amendment to 14 CFR Part 385, a portion of that authority was delegated to the Director, Office of Community and Consumer Affairs.

DATE: The effective date of this amendment is December 24, 1985.

FOR FURTHER INFORMATION CONTACT: Becky L. Bentson, Office of the General Counsel, U.S. Department of

Transportation, Washington, DC, (202) 472-5577.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective fewer than **thirty** days after publication in the Federal Register.

On December 31, 1984, the Department of Transportation reissued the former Civil Aeronautics Board rules (14 CFR Part 385) dealing with the delegation of numerous items of discretionary authority needed to carry out Titles IV and X of the Federal Aviation Act of 1958, as amended, and related statutes (49 FR 50984, December 31, 1984.) Concurrently with the reissuance of Part 385, the Department issued amendments to 49 CFR Part 1 to delegate transferring CAB functions to Secretarial officers within DOT (49 FR 50994, December 31, 1984). Editorial corrections and a new subpart to 14 CFR Part 385 were issued later. (SO FR 7169, February 21, 1985.)

The Secretary has now determined that the authority to issue aviation consumer protection regulations, and waivers from those regulations, should be carried out by the Assistant Secretary for Policy and International Affairs rather than the Assistant Secretary for Governmental Affairs. This amendment redelegates that authority to the Assistant Secretary for Policy and International Affairs. A separate amendment to 14 CFR Part 385 appearing in this issue of the Federal Register makes a conforming change to 14 CFR Part 385.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions

(government agencies), Transportation Department.

Accordingly, 49 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

§ 1.56 Delegations to Assistant Secretary for Policy and International Affairs.

2. Section 1.58 is amended by adding at the end thereof a new paragraph (j) to read as follows:

• • • • •

(j) Carry out the following consumer protection functions:

(1) Issue consumer protection regulations, and waivers and exemptions therefrom;

(2) Carry out the following statutory provisions relating to consumer protection:

(i) Section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443), relating to enforcement of the Consumer Credit Protection Act;

(ii) Sections 101(3) (relating to relieving certain carriers from provisions of the Federal Aviation Act), 204 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 404 (relating to enforcing the duty of carriers to provide safe and adequate service), 407(a) (relating to requiring the production of information, entering carrier property, and inspecting records), 411 (relating to determining whether any carrier or ticket agent is engaged in unfair or deceptive practices or unfair methods of competition), and 416 (relating to establishing just and

reasonable classifications of carriers and rules to be followed by each) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1301(3), 1324, 1374, 1377(a) and, (e), 1381, and 1386) as appropriate to the consumer protection functions in this paragraph.

§ 1.61 Delegations to Assistant Secretary for Governmental Affairs. [Amended]

3. Section 1.61(d)(4) is removed and marked "[Reserved]".

4. Section 1.61(d)(5) is revised to read as follows:

• • • • •

(d) • • •

(5) Carry out the following statutory provisions:

(i) Section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443), relating to enforcement of the Consumer Credit Protection Act;

(ii) Sections 204 (a) and (b) (relating to taking such actions as may be necessary to carry out responsibilities under the Federal Aviation Act), 407 (a) and (e) (relating to requiring the production of information, entering carrier property, and inspecting records), and 411 (relating to determining whether any carrier or ticket agent is engaged in unfair or deceptive practices or unfair methods of competition), of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1324 [a] and (b), 1377(a) and (e), and 1381) as appropriate to the consumer information and assistance functions in this paragraph.

Issued in Washington, DC, on December 14, 1985

Elizabeth Hanford Dole,

Secretary of Transportation.

(FR Doc. 85-30387 Filed 12-23-85; 8:45 am)

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

I 49 CFR Part 1 1

(**OST** Docket No. 1; Amendment 1-205)

ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

AGENCY: Department of Transportation (**DOT**), Office of the Secretary (**OST**)

ACTION: Final Rule

SUMMARY: This amendment delegates to the Assistant Secretary for Policy and International Affairs authority to issue aviation consumer protection regulations and waivers from these regulations. This authority had been delegated to the Assistant Secretary for Governmental Affairs. By an amendment to **14** CFR Part **385**, a portion of that authority was delegated to the Director, Office of Community and Consumer Affairs.

DATE: The effective date of this amendment is

FOR FURTHER INFORMATION CONTACT: Becky L. **Bentson**, Office of the General Counsel, U.S. Department of Transportation, Washington, **D.C.**, (202) 472-5577.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective fewer than thirty days after publication in the Federal Register.

On December 31, 1984, the Department of Transportation reissued the former Civil Aeronautics Board rules (14 CFR Part 385)

dealing with the delegation of numerous items of discretionary authority needed to carry out Titles IV and X of the Federal Aviation Act of 1958, as amended, and related statutes (**49** FR 50984, December 31, 1984.) Concurrently with the reissuance of Part 385, the Department issued amendments to 49 CFR Part 1 to delegate transferring CAB functions to Secretarial officers within DOT (**49** FR 50994, December 31, **1984**). Editorial corrections and a new subsection to 14 CFR Part 385 were issued later. (**50** FR 7169, February 21, 1985.)

The Secretary has now determined that the authority to issue aviation consumer protection regulations, and waivers from those regulations, should be carried out by the Assistant Secretary for Policy and International Affairs rather than the Assistant Secretary for Governmental Affairs. This amendment redelegates that authority to the Assistant Secretary for Policy and International Affairs. A separate amendment to 14 CFR Part 385 appearing in this issue of the Federal Register makes a conforming change to 14 CFR Part 385.

List of Subjects in 49 **CFR** Part 1:

Authority delegations (government agencies);
Organization and functions (government agencies) ;
Transportation Department

Accordingly, 49 CFR Part 1 is amended as follows:

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

2. Section 1.56 Delegations to Assistant Secretary for Policy and International Affairs.

Section 1.56 is amended by adding at the end thereof a new paragraph (j) to read as follows:

(j) Carry out the following consumer protection functions:

(1) Issue consumer protection regulations, and waivers and exemptions therefrom;

(2) Carry out the following statutory provisions relating to consumer protection:

(i) Section **4(a)(5)** of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. **98-443**), relating to enforcement of the Consumer Credit Protection Act;

(ii) Sections **101(3)** (relating to relieving certain carriers from provisions of the Federal Aviation Act), 204 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 404 (relating to enforcing the duty of carriers to provide safe and adequate service), **407(a)** (relating to requiring the production of information, entering carrier property, and inspecting records), 411 (relating to determining whether any carrier or ticket agent is engaged in unfair or deceptive practices or unfair methods of competition), and 416 (relating to establishing just and reasonable classifications of carriers and rules to be followed by each) of the Federal Aviation Act of 1958,

as amended, (**49 U.S.C. 1301(3)**), 1324, 1374, 1377(a) and (**e**), 1381, and 1386) as appropriate to the consumer protection functions in this paragraph.

-3. Section 1.61 Delegations to Assistant Secretary for Governmental Affairs.

Section **1.61(d)(4)** is deleted and marked "[Reserved]".

4. Section **1.61(d)(5)** is amended to read as follows:

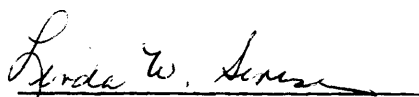
(5) Carry out the following statutory provisions:


(i) Section **4(a)(5)** of the Civil Aeronautics Board Sunset Act of 1984, (October 4, 1984; Pub. L. **98-443**), relating to enforcement of the Consumer Credit Protection Act;

(ii) Sections **204(a)** and (**b**) (relating to taking such actions as may be necessary to carry out responsibilities under the Federal Aviation Act), **407(a)** and (**e**) (relating to requiring the production of information, entering carrier property, and inspecting records), and 411 (relating to determining whether any carrier or ticket agent is engaged in unfair or deceptive practices or unfair methods of competition), of the Federal Aviation Act of 1958, as amended, (**49 U.S.C. 1324(a)** and (**b**), 1377(a) and (**e**), and 1381) as appropriate to the consumer information and assistance functions in this paragraph.

Issued in Washington, D.C., on December 14, 1985

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL


Linda W. Senese
Certifying Officer


Elizabeth Hanford Dole
Secretary of Transportation